

**Summary of the Plenary Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
May 21, 2002**

The Department of Water Resources (DWR) hosted the Plenary Group meeting on May 21, 2002 in Oroville.

A summary of the discussions, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present an informational summary for interested parties who could not attend the meeting. The following documents are provided:

- Attachment 1 Meeting Agenda
- Attachment 2 Meeting Attendees
- Attachment 3 Flip Chart Notes
- Attachment 4 Work Group Abstracts
- Attachment 5 Study Plan Review Process (PowerPoint Slides)
- Attachment 6 Modeling Protocols
- Attachment 7 Process Update Presentation (PowerPoint Slides)
- Attachment 8 May 2002 Studies Status Matrix

Introduction

Attendees were welcomed to the Plenary Group meeting and objectives were reviewed. The meeting agenda and list of meeting attendees with their affiliations are appended to this summary as Attachments 1 and 2, respectively. Meeting flip charts are included as Attachment 3.

Process Updates

Where We Are in the Process

Len Marino of DWR went over the relicensing schedule. He explained that we are beginning the first field season and that a number of activities are underway. Scoping Document I will be finalized in July 2002 and Scoping Document II has a target release date of January 2003. Len reminded the participants that the main job for the Plenary Group right now is to reach consensus on the study plans. The goal is to have all Study Plans approved by July 2002. Len's presentation is included in Attachment 5 to this summary.

Work Group Abstracts

The Facilitator pointed out that the Work Group abstracts are attached to the meeting agenda. The abstracts are included as Attachment 4 of this summary.

Cumulative Impacts Approach/ESA Task Force Update

Steve Ford, Environmental Resource Area Manager (RAM) for DWR explained that the Cumulative Impacts Approach/ESA Task Force met for the third time last week and decided to consolidate the two documents into one guidance document. The Task Force provided substantial comments that have been incorporated into the consolidated document that is intended to provide guidance to study plan authors who need to address cumulative impacts specific to their resource areas. In addition to restructuring, all legal citations have been moved to an appendix. The most current version of the draft guidance document has been distributed to all of the RAMs for review. A new version, incorporating comments from the RAMs will be reviewed by each of the various work groups, including the Environmental Work Group. Once the work group comments are incorporated, the guidance document will return back to the Task Force to be finalized.

Mike Pierce representing Butte County asked if socioeconomic issues would be evaluated cumulatively. Steve Ford explained that while the Task Force is composed primarily of biologists, the guidance is meant to be applicable to any resources with identified cumulative impacts.

Patrick Porgans representing JEM Farms stated that while there are still a couple of issues being discussed at the Task Force meeting, he is generally pleased with the guidance and it appears that the initial cumulative impacts analyzed will be within the boundaries he expects.

Modeling Protocol Task Force Update

Curtis Creel, Operations RAM with DWR explained the efforts of the Task Force to prepare a draft modeling protocol that would be applicable for all models to be used during the relicensing process. He distributed a draft Modeling Protocol to the Plenary Group for review and discussion at the next Plenary Group meeting (included with this summary as Attachment 6). He explained how the Engineering and Operations Work Group assisted in the development of the operations modeling run prioritization protocol that ultimately became section V of the protocol.

One participant asked how long they expect to be running models. Curtis responded that he expects the models to be run from the first time data is available until the relicensing is complete. Ed Craddock, representing Butte County asked that the watershed modeling information he had given to Curtis be distributed to the Modeling Protocol Task Force for review. Curtis agreed to review the information and discuss it with the Task Force. Risk Ramirez of DWR asked Curtis who the participants are in this effort and Curtis explained that the Modeling Protocol Task Force has representatives from the public, Butte County, State Water Contractors, American Rivers, and several agencies.

Patrick Porgans added that he has participated in the Task Force and thanked everyone for working so hard. He expressed his pleasure with the document and suggested that it should be used as a template for how protocols are developed. Sharon Stohrer asked if we would be able to use the models and data to determine if additional modeling needs to be employed or to answer questions we haven't yet asked. Curtis responded that if additional issues or data needs are identified, the process is flexible to adjust to those needs. The participants agreed to review the draft Modeling Protocol and bring their issues or comments to the June Plenary Group meeting.

Resolution of Issues for Conditionally Approved Study Plans

SP-W2

Steve Ford of DWR explained that there are still some revisions to be made to the introduction of this study plan including further description of study sampling locations but he thought it would be returned to the Plenary Group for approval in June. Steve explained that none of the changes are holding up the process of preparing for data collection so this study plan is not delayed. The Plenary Group approved SP-W2.

SP-T10

Steve Ford explained that the issue to be resolved concerned the assessment of both native and non-native vegetation and that the study plan intends to cover both type of vegetation. The issue has been resolved and the SP-T10 approved.

Consent Calendar

SP-F2

The Plenary Group approved SP-F2 without further discussion.

SP-F10

The Plenary Group approved SP-F10 without further discussion.

Study Plan "Heartburn" Review

SP-F1

Steve Ford explained that some changes had been made to the earlier version of this study plan and the Environmental Work Group would be looking at the revisions tomorrow. Mike Mainz with California Department of Fish and Game asked if the study plan would include positive and

negative impacts when they reference potential impacts. The participants agreed that all studies should address both negative and positive effects. SP-F1 was approved pending Environmental Work Group approval.

SP-F3.2

Mike Meinze asked that a revision be made to indicate that changes in flow and temperature are of concern. Craig Jones representing the State Water Contractors asked Mike to clarify the temporal nature of the changes. Mike responded that he was concerned with daily changes. The revision was made and the Plenary Group approved SP-F3.2 pending approval by the Environmental Work Group.

SP-F9

Eric Theiss with National Marine Fisheries Service (NMFS) expressed heartburn with the study plan as written and did not feel it adequately addressed his concerns or reflected the discussions that occurred at the agency technical meeting between NMFS, CDFG and DWR. He expressed frustration with the pace of development and the lack of additional tasks he has been advocating.

The participants discussed the evolution of this study plan within the Environmental Task Force and Steve Ford explained a compromise that was proposed by DWR to release the tasks involving literature review and limited analysis of that data as SP-F9(a) for Plenary Group review while the Task Force continues discussions on the field work tasks to be designated SP-F9(b). Eric Theiss disagreed with the proposed compromise and asked that this study plan go back to the Fisheries Task Force for a complete re-write. He offered to provide a re-written study plan for consideration. Several participants expressed concern about the need to completely re-write SP-F9(a) and felt that the literature review was a necessary step all should be able to agree on.

Mike Meinze offered that since release studies would involve a 3-5 year lag time between salmonid releases and returns to the Feather River, the results would not be available for the relicensing filing but would need to be included in ongoing monitoring and adaptive management. He added that CDFG could live with the proposed SP-F9(a) with the understanding of continued development of SP-F9(b).

Ron Davis asked if the definition of spring chinook could be added to the Collaborative Glossary. Steve Ford responded that there are variations in the definition within study plans so it was probably clearer if it is defined within the individual study plan.

After additional discussion, the Plenary Group recommended that SP-F9 go back to the Environmental Work Group for resolution of NMFS issues.

Interim Settlement Agreement Update

Ward Tabor, DWR counsel explained that an Interim Settlement Agreement has been reached and now they are working on finalizing the companion document, the Implementing Agreement. He reported the participants are very close to agreement with only a few minor points left to negotiate. Their next meeting is June 5th and Ward said he thought they would finalize the Implementing Agreement at that time. He anticipates that the documents will be ready for signature in about 60 days.

Mike Pierce asked if Ward had a timeline for project groundbreaking. Ward explained that before groundbreaking can begin Feather River Recreation and Parks District (FRRPD) must complete the CEQA process. Scott Lawrence of FRRPD added that the CEQA process has already begun. Ward reminded the participants that the approval of these agreements would bring a total of \$2.5 million to Oroville. Construction is anticipated to take from one to three years. Mike Pierce asked if the funding is based on DWR's budget or if that money is set aside now. Rick Ramirez explained

that the total contract amount would be assigned by the work plans over a period of time. Scott Lawrence added that FRRPD will have an initial schedule and work plans developed on a quarterly schedule and will be given quarterly notices on the amount of money available based on the estimates included in the work plans.

Action Items – April 23, 2002 Meeting Action Items

A summary of the April 23, 2001 Plenary Group meeting is posted on the relicensing web site. The Facilitator reviewed the status of action items from that meeting as follows:

Action Item #P95: Outline future plenary activities for the next 12 months.
Status: See “Next Steps” discussion below and presentation provided as Attachment 7.

Next Steps

Plenary Activities and Proposed Schedule

Rick Ramirez presented a draft process update that described future Plenary Group activities over the next twelve months. His presentation is provided as Attachment 7 to this summary. He described the process objectives and suggested Plenary Group meeting dates and topics through December 2002. He added that perhaps the Plenary Group could skip the August and October meetings. The participants expressed a desire to keep the meeting dates as scheduled just in case they are needed, pointing to the concern that all study plans may not be approved at the July Plenary Group meeting. Ward Tabor explained that the assumption when creating the schedule was that the study plans would all be approved by July.

Roger Masuda representing Butte County asked if there is a structure for discussing protection, mitigation and enhancement (PM&E) measures. Rick responded that the upcoming meetings would be used to plan for those discussions. Other topics will involve discussions related to Year 1 findings and preparation for Year 2 studies. The participants agreed that the length of the Plenary Group meeting should be planned around the topics that need to be covered and there was consensus that the Plenary Group meetings will continue to be held in Oroville. Eric Theiss asked if the meeting dates could be changed from the fourth Tuesday of the month. The Facilitator responded that the participants agreed to the dates at the beginning of 2002. The participants agreed that the December Plenary Group meeting will be held on the 10th and they will hold the August and October dates as placeholders. Eric Theiss asked if the participants could be notified when the meeting summaries are available for review. DWR suggested that the request would be considered.

Sharon Stohrer with the State Water Resources Control Board asked if DWR had prepared a compliance history documenting their adherence to all terms and conditions contained in their existing license for the project based on her issue raised (number RE98 in the Issue Tracker). Rick Ramirez responded that the compliance history is a matter of public record and is available through the Federal Energy Regulatory Commission (FERC) website. He added that he was not aware of any compliance history document. Mike Pierce asked if the compliance history would take into consideration all of the various recreation plans that have been developed for the project. Rick responded that the history would include the FERC order of 1992 related to recreation facilities. Rick agreed to investigate if a compliance history has been compiled and report back to the Plenary in June.

Next Meeting

The Plenary Group agreed to meet on:

Date: June 25, 2002

Time: 5:00pm – 9:00pm

Location: Kelly Ridge Golf Course Meeting Room, 5131 Royal Oaks Drive, Oroville California

Action Items

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action and item status.

Action Item #P96: Investigate development of compliance history with existing FERC license (fate of Recreation issue number RE98 raised by SWRCB).

Responsible: DWR

Due Date: June 25, 2002

Action Item #P97: Consider request to notify stakeholders when meeting summaries are available on the website

Responsible: DWR

Due Date: June 25, 2002